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SUBJECT: BELARUS: MFA OFFERS NEW TEXT FOR CHERNOBYL RESPITE
AGREEMENT

REF: MINSK 128

¶1. (U) Please see action request para 5.

¶2. (U) Following up on reftel discussion, MFA U.S. and Canada Director Sergey Rachkov met with Charge April 25 to provide a new draft text for USG review on the subject of the Chernobyl respite U.S. travel program for Belarusian children. Rachkov noted that the GOB was prepared to reach concord on the basis on an exchange of diplomatic notes, and told Charge that the new text had been prepared with the intention of meeting both GOB and USG concerns.

¶3. (U) Post will forward the full text to EUR/UMB. The key passages read as follows (in the GOB's unofficial translation):

"7. The American Party...in accordance with the laws of the United States of America guarantees to take comprehensive measures for the return of children [garantiruyet prinyatiye ischerpyvayushchikh mer po vozvrashcheniyu detey] to the Republic of Belarus upon the completion of health respite visits, despite the fact that the validity of [the] entry visa to the United States of America may exceed the period of respite visits of children."

"11. In case of unlawful holding of children the Belarusian and American Parties immediately take comprehensive measures for their unconditional return [nezamedlitel'no primut vse ischerpyvayushchiye mery dlya bezuslovnogo vozvrashcheniya] to the Republic of Belarus in accordance with domestic state laws of both Parties and international agreements, which the Republic of Belarus and the United States of America are party to."

¶4. (SBU) Rachkov stressed that this formulation meets the requirements of Lukashenka's edict that return to Belarus be guaranteed. Charge underlined that the USG had in fact taken such measures in the case of the minor Belarusian who initially chose to remain in California in 2008. Rachkov acknowledged that point, and expressed the hope that both governments can reach consensus as the timing for potential respite trips approaches.

Comment and Action Request

¶5. (SBU) The GOB has now concluded agreements for respite programs with Italy, Ireland, Germany, and the Netherlands, that incorporate similar (or stronger) language. From post's perspective, this new text is a marked improvement, as is the GOB's recognition that a treaty or other formal agreement would be extremely cumbersome: we recommend that we move forward to exchange appropriate diplomatic notes. Post would be grateful for the Department's views.

MOORE